

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

<b>ACE AMERICAN INSURANCE COMPANY,</b>	)	
<b>FEDERAL INSURANCE COMPANY,</b>	)	
<b>INSURANCE COMPANY OF NORTH AMERICA,</b>	)	
<b>MARYLAND CASUALTY COMPANY and</b>	)	C.A. NO.
<b>NORTHERN INSURANCE COMPANY,</b>	)	<b>04CV12252-WGY</b>
<b>Plaintiffs,</b>	)	
<b>v.</b>	)	
	)	
<b>CROSBY YACHT YARD, INC. and</b>	)	
<b>OYSTER HARBORS MARINE, INC.,</b>	)	
<b>Defendants.</b>	)	
	)	

**MOTION FOR CONSOLIDATION OF ACTIONS**

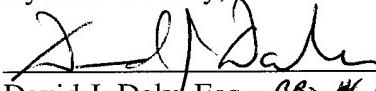
Now come the plaintiffs in the above-entitled action, and each of them, by their attorneys, move the Court, pursuant to Rule 42(a) of the Federal Rules of Civil Procedure, to consolidate this cause with Civil Action Number 04CV12244-GAO, entitled *Standard Fire Insurance Company v. Crosby Yacht Yard, Inc. and Oyster Harbors Marine, Inc.*, and state as grounds for said motion, the following:

1. That this cause, and Civil Action Number 04CV12244-GAO, pending before the Honorable Judge O'Toole, are brought against the same defendants to redress similar injuries;
2. That the factual distinctions between these cases are very limited and in no way conflict so as to make separate trials necessary;
3. That the pretrial procedure and motions, if any, will be identical in each case, and there are common questions of law and fact;
4. That in the interest of judicial economy and the avoidance of costs and delay these causes should be consolidated;

5. That the plaintiff in Civil Action Number 04CV12244-GAO supports consolidation of these two actions before Judge O'Toole;
6. The motion should be allowed for the reasons set forth in the attached memorandum.

Wherefore, the parties pray that this cause be consolidated before Judge O'Toole with Civil Action No. 04CV12244-GAO, *Standard Fire Insurance Company v. Crosby Yacht Yard, Inc. and Oyster Harbors Marine, Inc.*

ACE American Insurance Company,  
Federal Insurance Company,  
Insurance Company of North America,  
Maryland Casualty Company and  
Northern Insurance Company  
By their attorney,

  
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